

REMARKS

Claims 1-16 and 19-25 are pending in the subject application. Of these, claims 19-23 have been withdrawn pursuant to a restriction requirement. Hereinabove, claims 2 and 7 have been canceled; claims 1, 12, and 22 have been amended; and no new claims have been added. Therefore, claims 1, 3-6, 8-16, and 24-25, as amended, are now pending and under consideration. In view of the foregoing amendments and the following remarks, applicants respectfully request reconsideration of the objections and rejections set forth in the outstanding office action, and applicants further request that withdrawn claims 19-23 be rejoined and examined in the present application

Applicants acknowledge the outstanding office action's indication that claims 10 and 11 are allowed.

The rejection of claims 1-9, 12-16, and 24-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is respectfully traversed.

Applicants have studied the outstanding office action, and it appears that the rejection stated in numbered paragraph 5 of the outstanding office action is inconsistent with the remaining portions of the office action. In particular, numbered paragraph 5 appears to reject claim 7 under 35 U.S.C. § 112, first paragraph. However, numbered paragraph 6, although discussing claims 1-6, 8-9, 12-16, and 24-25, is wholly silent with regard to claim 7. Moreover, the rationale provided in numbered paragraphs 6 and 7 for rejecting claim 1 and the claims depending therefrom do not

apply to claim 7. Furthermore, the outstanding office action's "Response to Applicant's Arguments", particularly in numbered paragraph 9, asserts that the written description requirements of 35 U.S.C. § 112, first paragraph are not met because "there are innumerable possibilities of substrate polypeptide of SEQ ID NO:6". Even if the PTO's assertion were correct for SEQ ID NO:6 having up to five residues conservatively substituted, the assertion is clearly not correct for claim 7. Finally, in numbered paragraph 15, the outstanding office action indicates that claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For all of the reasons, it is believed that the PTO's statement (in numbered paragraph 5) rejecting claim 7 under 35 U.S.C. § 112, first paragraph, is either a clerical error or without foundation.

Hereinabove, applicants have amended claim 1 by incorporating the limitation of claim 7 into claim 1. For all of the reasons discussed above, the PTO's statement (in numbered paragraph 5) rejecting claim 7 under 35 U.S.C. § 112, first paragraph, is either a clerical error or without foundation. For at least this reason, it is submitted that claim 1, as rewritten, meets the written description requirements of 35 U.S.C. § 112, first paragraph.

Claims 2 and 7 have been canceled.

Claims 3-6, 8-9, and 24-25 depend (directly or indirectly) from claim 1. It is submitted that these claims meet the written description requirements of 35 U.S.C. § 112, first paragraph for at least the same reasons that claim 1 (as rewritten) meets these requirements.

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Turning now to claim 12, claim 12 has been rewritten to require that "the polypeptide comprises SEQ ID NO: 6 having no residues substituted". The outstanding office action, in numbered paragraph 7, last sentence, states that "only the polypeptides comprising SEQ ID NO:6 . . . meet the written description provision of 35 U.S.C. § 112, first paragraph." Claim 12, as rewritten, calls for polypeptides that "comprise[] SEQ ID NO: 6 having no residues substituted". For at least this reason, it is submitted that claim 12, as rewritten, meets the written description requirements of 35 U.S.C. § 112, first paragraph.

Claims 13-16 depend from claim 12. It is submitted that these claims meet the written description requirements of 35 U.S.C. § 112, first paragraph for at least the same reasons that claim 12 (as rewritten) meets these requirements.

For all of the above reasons, it is submitted that the outstanding office action's written description rejection under 35 U.S.C. § 112, first paragraph, should be reconsidered and withdrawn.

The rejection of claims 1-6, 8-9, 12, 14-15, and 24-25 under 35 U.S.C. § 102(b) for anticipation by International Patent Application Publication No. WO 00/14536 of Tan et al. ("Tan") is respectfully traversed.

With regard to claim 1, as noted above, applicants have rewritten claim 1 to include the limitations of previous claim 7. Previous claim 7 was not rejected for anticipation by Tan. Accordingly, claim 1, as rewritten, should likewise be novel over Tan.

Claim 2 has been canceled.

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Claims 3-6, 8-9, and 24-25 depend (directly or indirectly) from and further limit claim 1. Accordingly, claims 3-6, 8-9, and 24-25 should likewise be novel over Tan for at least the same reasons that claim 1 is novel over Tan.

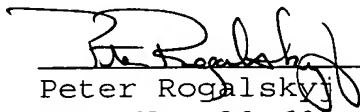
Turning now to claim 12, claim 12 has been rewritten to require that "the polypeptide comprises SEQ ID NO: 6 having no residues substituted". Tan does not teach such a sequence, and, for at least this reason, it is submitted that claim 12, as rewritten, is novel over Tan.

Claims 13-16 depend from and further limit claim 12. Accordingly, claims 13-16 should likewise be novel over Tan for at least the same reasons that claim 12 is novel over Tan.

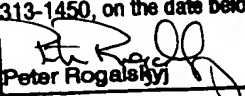
Withdrawn claims 19-23 are directed to methods which employ the kits and polypeptides of claims 1 and 12. Since claims 1 and 12 are patentable for all of the reasons set forth above, applicants submit that withdrawn claims 19-23 should now be rejoined and examined in the present application.

In view of the foregoing, it is submitted that this case is in condition for allowance, and such allowance is earnestly solicited.

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Peter Rogalsky
Reg. No. 38,601

The Law Office of Peter Rogalsky
P.O. Box 44
Livonia, New York 14487-0044
Tel: 585-346-1004
Fax: 585-346-1001

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4-28-08 Date	 Peter Rogalsky